

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

**JAMES T. MORRISON and
SHIRLEY J. MORRISON,**

Plaintiffs,

v.

Civil Action No. 3:19-cv-11

**HARLEYSVILLE WORCESTER
INSURANCE COMPANY,**

JURY DEMANDED

Defendant.

DECLARATION OF DANIEL M. BAXTER PURSUANT TO 28 U.S.C. § 1746

I, Daniel M. Baxter, hereby declare and state, pursuant to 28 U.S.C. § 1746, the following:

1. I am over the age of eighteen (18) years and have personal knowledge of the information contained within this Declaration.

2. Over the past 30 years, I have performed several thousand indoor air quality and forensic environmental investigations in commercial, industrial, institutional, and residential dwellings. I have special expertise in the analysis of physical evidence, asbestos, and aerosols using Optical Microscopy and Electron Microscopy. I am one of several authors of the 2018 publication "*AIHA Technical Guide for Wildfire Impact Assessments for the OEHS Professional*." I have owned and managed several Analytical Microscopy and Chemistry Laboratories that have been certified or accredited by the U.S. Environmental Protection Agency, American Industrial Hygiene Association and/or the California Department of Health Services and currently own Environmental Analysis Associates, Inc. which is an AIHA-LAP accredited laboratory. The lab

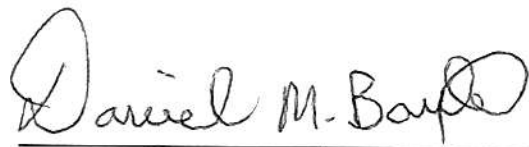
provides day-to-day microscopy analysis of environmental and building generated aerosols, fire/combustion residue, bioaerosols and materials analysis. I have conducted several thousand Indoor Air Quality investigations involving allegations of fire/combustion residue, dust, microbiological contamination or related aerosols or bioaerosols.

3. I was requested to provide my opinions regarding the fire residue sampling and analysis procedures used by GHP and EMSL for the fire debris sampling conducted at 738 Parkway, Gatlinburg, Tennessee. I prepared a report, dated July 17, 2019, a copy of which is attached hereto at Ex. A.

4. My report at Ex. A reflects my opinions regarding the use of alcohol wipes as a collection technique for the analysis of wildfire debris by microscopic methods. In summary, alcohol wipe samples are not acceptable because the technique alters or destroys the physical and chemical properties of char, ash, and soot particles rendering the results highly unreliable. In fact, peer reviewed literature has established that although alcohol wipe sampling is appropriate for the collection and analysis of "organic" and "chemical" fire residues, the procedure is not recommended for the microscopic analysis of deposited fire-related particles including char, ash, and soot. These limitations are clearly discussed in the AIHA Technical Guide for Wildfire Impact Assessments published in April 2018.

I declare/certify/affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge and believe.

Executed on this the 24th day of January 2020.



Daniel M. Baxter